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E.O. 12958: N/A
TAGS: ENRG IAEA HU
SUBJECT: PROPOSED U.S.-HUNGARY DIPLOMATIC NOTE EXCHANGE
FOR DOE'S THREAT REDUCTION ASSISTANCE

REF: CONVENTION ON ASSISTANCE IN THE CASE OF A
NUCLEAR ACCIDENT OR RADIOLOGICAL EMERGENCY
OF SEPTEMBER 26 1986 (ASSISTANCE CONVENTION)

SENSITIVE. Please protect accordingly.

¶1. This is an action request. Embassy Budapest please see
paragraph 3 below.

¶2. BACKGROUND: Pursuant to Circular 175 authorization
granted December 3, 2008, the Department of Energy (DOE)
proposes to pursue an exchange of diplomatic notes to
establish a U.S.-Hungary "umbrella" agreement for the
provision of technical assistance by DOE's National Nuclear
Security Administration (NNSA), under its Global Threat
Reduction Initiative (GTRI), to enhance the security of
at-risk radioactive sources in Hungary. The proposed USG
diplomatic note includes provisions for certain legal
protections for the USG, its employees, contractors and
contractors' employees under paragraphs 1-8 of Article 8
(privileges and immunities, and tax exemption) and paragraphs
1-4 of Article 10 (exemption from claims) of the Assistance
Convention (Ref A). END BACKGROUND

¶3. ACTION REQUEST: Drawing on background as appropriate,
Post is requested to deliver the USG diplomatic note in
paragraph 4, and the proposed Hungary reply note in paragraph
5, to the Government of Hungary's (GOH) Ministry of Foreign
Affairs (MFA). These two notes together would constitute an
agreement between our two governments.

¶4. Begin text of USG diplomatic note:

(complimentary opening as appropriate) and, with
reference to discussions between representatives of the two
Governments, has the honor to propose on behalf of the
Government of the United States of America (the "United
States Government") the following agreement in order to
facilitate the provision of technical assistance that may be
provided by the United States Government, through the United
States Department of Energy, to the Government of the
Republic of Hungary:

¶1. Such technical assistance may include assistance to
identify, secure, remove and/or facilitate the disposition of
the Republic of Hungary's nuclear and other radioactive
materials that are used in civilian applications, that are
at-risk of theft or sabotage, and that could potentially be
used in nuclear weapons or radiological dispersal devices.

¶2. The Government of the Republic of Hungary agrees that:

a. The terms of paragraphs one through eight of Article 8
of the Convention on Assistance in the Case of a Nuclear
Accident or Radiological Emergency of September 26, 1986, and
paragraphs one through four of Article 10 of that Convention,
shall apply to all technical assistance provided by the
United States Government, including that set forth in
paragraph 1.

b. Ministries and agencies of the two Governments may enter into implementing agreements or other arrangements for provision of technical assistance by the United States Government pursuant to this agreement.

c. Provision of technical assistance by the United States Government pursuant to this agreement is subject to the availability of appropriated funds.

d. In the event that either Government awards contracts for the acquisition of articles and services, including construction, to implement this agreement, such contracts shall be awarded in accordance with the laws and regulations of that Government.

e. Upon written notice provided thirty days in advance, representatives of the United States Government shall have the right to examine the use of any equipment, supplies, materials, technology, training or services provided in accordance with this agreement, at sites of their location or use in the Republic of Hungary; and shall have the right to audit and examine all records or documentation related to the use of the materials or services provided in accordance with this agreement.

If these proposals are acceptable to the Government of the Republic of Hungary, it is further proposed that the present Note and the Ministry's affirmative Note in reply shall constitute an agreement between the two Governments, which shall enter into force on the date of the Ministry's Note.

(complimentary closing as appropriate)

The Embassy of the United States of America
Budapest, , 2010

End text of USG diplomatic note

¶5. Begin text of proposed Hungary Reply Note

The Ministry of Foreign Affairs of the Republic of Hungary (complimentary opening as appropriate) acknowledges receipt of the Embassy of the United States of America's Note No. xxx dated , 2010, which reads as follows:

(INSERT text of USG note in its entirety)

The Ministry is pleased to accept, on behalf of the Republic of Hungary, the agreement proposed in the Embassy's Note, which shall enter into force on the date of this Note.

(complimentary closing as appropriate)

End text of proposed Hungary reply note.

¶6. Washington thanks Embassy Budapest for its cooperation in facilitating this assistance. Embassy is requested (after note is dated and initialed, but before it is delivered) to create a certified copy of the Embassy note (para 4), as delivered to GOH/MFA, and send it to the Department (marked to the attention of L/T), Room 5420, HST Bldg, with electronic pdf versions to the Department and DOE/NNSA contacts named below, as well as to the Hungary Desk DOS/EUR/CE. If the exchange of notes is successfully concluded, Embassy is requested to send the original of the GOH/MFA note to the Department (L/T), and electronic pdf versions of the GOH/MFA note to L/T, DOS/EUR/CE and DOE/NNSA. Department of Energy contacts are Jeffrey Chamberlin (202 586-1474, Jeffrey.Chamberlin@nnsa.doe.gov), Kristin Hirsch (202 586-9801, Kristin.Hirsch@nnsa.doe.gov), and Diana Clark (202 586-3417, diana.clark@hq.doe.gov). Department of State point of contacts are Marc Humphrey (202-647-6103, HumphreyMA@state.gov) and Zaira Nazario (202-647-8229, NazarioZD@state.gov). L/T point of contact is Tom Malionek (202 647-1345, MalionekTV@state.gov).

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